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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,007	10/20/2003	Joachim Lutz	TRW(REPA)6789	4099

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EXAMINER

ROSENBERG, LAURA B

ART UNIT PAPER NUMBER

3616

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/689,007	LUTZ ET AL.	
	Examiner	Art Unit	
	Laura B. Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/27/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 1 is objected to because of the following informalities: "it" should be changed to --said connection extension-- (lines 7, 8). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 7, it is unclear if "a tubular source of compressed gas" is different than the source of compressed gas set forth in claim 1. For the purposes of examination, the examiner assumes that there is only one source of compressed gas, and that claim 7 is merely claiming that this feature is tubular.

In regards to claim 9, it is unclear if "an airbag" is different than the airbag set forth in claim 1. For the purposes of examination, the examiner assumes that there is only one airbag.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4, 5, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Debler et al. (2003/0001366). Debler et al. disclose an airbag module (for example, including #16) for a vehicle occupant restraining system, the air bag module comprising:

- Gas lance (including #54) that can feed gas from a source of compressed gas (including #64, 64') into an airbag (including #52)
- Housing (including #40) that accommodates the gas lance (for example, as seen in figures 3, 22, 33)
- Connection extension (for example, including #86 in figure 22, bottom of T-piece #90 in figure 33) able to be connected to the source of compressed gas
- Connection extension projecting so far out of the housing that it can penetrate into the source of compressed gas installed outside of the housing (for example, can be seen in figures 22, 33)
- Connection extension serves to supply the gas lance with compressed gas from the source of compressed gas as well as mechanically attach the source of compressed gas to the airbag module (for example, can be seen in figures 22, 33)

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- Gas lance is T-shaped in an area of the connection extension (for example, at #90)
- Housing accommodates the airbag that surrounds the gas lance (for example, can be seen in figures 3, 22, 33)

In regards to the housing being configured as an extruded profile, the method of forming the device is not germane to the issue of patentability of the device itself.

Therefore, this limitation has not been given patentable weight.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

7. Claims 1 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagibashi et al. (6,854,762). Yanagibashi et al. disclose an airbag module (including #26, 27) for a vehicle occupant restraining system, the air bag module comprising:

- Gas lance (for example, including #54) that can feed gas from a source of compressed gas (including #26) into an airbag (including #52)
- Housing (including #51) that accommodates the gas lance (can be seen in figure 5)
- Connection extension (for example, including #39, 44) able to be connected to the source of compressed gas (can be seen in figure 3)

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- Connection extension projecting so far out of the housing that it can penetrate into the source of compressed gas installed outside of the housing (can be seen in figures 3, 4)
- Connection extension serves to supply the gas lance with compressed gas from the source of compressed gas as well as mechanically attach the source of compressed gas to the airbag module (can be seen in figures 1, 2, 6)
- Housing is made of plastic (column 4, line 25; synthetic resin is a “plastic”)
- Source of compressed gas is tubular (can be seen in figures 3, 4) with a longitudinal axis (for example, Li or Lc, as seen in figures 3, 4)
- Connection extension penetrates into the source of compressed gas crosswise to the longitudinal axis and in a middle thereof (can be seen in figure 3)
- Housing accommodates the airbag that surrounds the gas lance (can be seen in figure 5)

In regards to the housing being configured as an extruded profile, the method of forming the device is not germane to the issue of patentability of the device itself.

Therefore, this limitation has not been given patentable weight.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Debler et al. (2003/0001366) in view of Tietze (6,382,663). Debler et al. do not specifically disclose the housing being made of plastic. Tietze teaches an airbag module comprising a gas lance (including #12), an airbag (not shown), and a housing (including #10) being made of plastic (column 2, lines 32-33). It would have been obvious to one skilled in the art at the time that the invention was made to modify the housing of Debler et al. such that it comprised plastic as claimed in view of the teachings of Tietze so as to provide a durable, yet inexpensive, housing for the airbag components. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Allowable Subject Matter

10. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kithil and Fischer each disclose an airbag module for a vehicle occupant restraining system, the air bag module comprising a gas lance that can feed gas from a source of compressed gas into an airbag, a housing that accommodates the gas lance,

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a connection extension able to be connected to the source of compressed gas, the connection extension projecting so far out of the housing that it can penetrate into the source of compressed gas installed outside of the housing, and the connection extension serving to supply the gas lance with compressed gas from the source of compressed gas as well as mechanically attach the source of compressed gas to the airbag module.

Neuman, Takagi et al., Goto et al., and Eyraier et al. each disclose an airbag module for a vehicle occupant restraining system, the air bag module comprising a gas lance, an airbag, and a connection extension penetrating a source of compressed gas.

12. Thought not considered prior art based on their filing dates, Crohn et al, Braun, DePottey et al., Smith, and Salmo disclose inventions similar to the applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura B Rosenberg
Patent Examiner
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